

REMARKS

Applicant respectfully requests favorable reconsideration of this application, as amended.

Drawing Objection

The drawings were objected to under 37 C.F.R. § 1.83(a) because the examiner believes that "no functional unit is shown with a pipe connector" (Page 2). Applicant respectfully traverses. The water tank 58 is a functional unit that is "provided with the appropriate connectors -- for instance, in the case of the tank according to FIG. 2 with a pipe connector 61" (Paragraph 0031; emphasis added). While the examiner opines that the pipe connector 61 is "of the pallet 70," Applicant disagrees. Pipe connector 61 is clearly "of the water tank 58" and, at most, is depicted as exiting through the end of pallet 70. Consequently, the claimed "at least one functional unit [that] comprises at least one pipe connector" is clearly depicted in FIG. 2, i.e., the water tank 58 and the pipe connector 61. Accordingly, Applicant respectfully requests that the examiner reconsider and withdraw the drawing objection.

Provisional Double Patenting Rejection

Claims 21, 24, 25, 27–30, 33 and 34 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1, 5, and 6 of co-pending Application No. 10/564,827. *See*, Office Action at Pages 10–11. Applicant will file a Terminal Disclaimer, if necessary and in the proper application, as soon as an indication of allowable subject matter has been entered into the record and the examiner has reaffirmed the double patenting rejection.

Novelty and Obviousness Rejections

Claims 1, 3, 5–12, 14–17, 19–21, 24, 25, 27–30, 33, 34 and 38 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ehrick (US 5,784,836), and Claims 21, 24–36, 38 and 39 were rejected as being anticipated by Fenner (US 4,780,043). Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ehrick, while Claims 27–36, 38 and 39 were rejected as being unpatentable over Fenner.

In the interests of securing an expedited Notice of Allowance, and without acceding to the rejections, Claims 1 and 19 have been amended to recite certain aspects of the functional units and connectors more clearly, Claim 21 has been amended to partially incorporate the subject matter recited by Claims 25 and 26, Claim 27 has been amended to partially incorporate

the subject matter recited by Claims 30 and 31, Claim 33 has been amended to partially incorporate the subject matter recited by Claims 34 and 35, and Claims 25, 26, 30, 31, 34 and 35 have been canceled without prejudice. No new matter has been added. Applicants respectfully submit that none of the cited references, taken either singly or in combination, teaches or suggests all of the features recited by Claims 1, 19, 21, 27 and 33.

Additionally, new Claims 40 and 41, based on Claims 1 and 19, respectively, have been added. Support for these new claims may be found, for example, in the Specification at Paragraphs 0031 to 0033, etc.; FIGS. 3–5, 7, etc.; no new matter has been added. New Claim 40 recites a pallet that supports at least one electrical equipment rack comprising at least one connection lead that is connected to a corresponding connection lead provided on or below the cargo compartment floor; Claim 41 recites similar subject matter. Ehrick fails to teach, or even suggest, such an electrical equipment rack, supporting pallet and connection scheme. Accordingly, Applicant respectfully submits that Claims 40 and 41 are allowable over Ehrick.

Claims 1 and 19 are Allowable over Ehrick

Claim 1 recites, *inter alia*, a pallet supporting a water or waste-water tank that includes at least one pipe connector that is connected to a corresponding pipe connector provided on or below the cargo compartment floor; Claim 19 recites similar subject matter. Applicant submits that Ehrick fails to disclose all of these features.

Fundamentally, Ehrick's sleeping modules 24, 25, 26 and 27, depicted in FIGS. 1–4, 6 and 7, are not pallets. *See*, e.g., Col. 3:50–57 ("In the region of the cargo floor 16 in which sleeping structures in accordance with the invention are to be located are included a number of sleeping modules 24, 25, 26 and 27 ... The modules 24–27 are nested and joined together to form a unitary sleeping assembly 30"). Furthermore, at most, Ehrick unsurprisingly discloses that in "restroom 48 at the end of the assembly 30 ... the passenger has access to water" (Col. 6:37–39). While the Office Action opines that "a water tank must be present" (Page 4), Ehrick fails to suggest that this water tank is located in one of his sleeping modules 24–27. Accordingly, Ehrick fails to disclose a pallet that supports a water or waste-water tank as recited by Claim 1, and as similarly recited by Claim 19.

Importantly, the Office Action admits that "fig. 7 shows no water intake" (Page 4). In other words, even assuming, *arguendo*, that Ehrick's aircraft has a water tank, Ehrick fails to teach, or even suggest, that his sleeping modules 24–27 include pipe connections. Accordingly,

Ehrick also fails to disclose the claimed pallet supporting a water or waste-water tank that includes a pipe connector that is connected to a corresponding pipe connector provided on or below the cargo compartment floor as recited by Claim 1, and as similarly recited by Claim 19.

Consequently, Ehrick fails to disclose all of the features recited by Claims 1 and 19.

Claims 21, 27 and 33 are Allowable over Ehrick or Fenner

Claim 21 is directed to a prefabricated floor module that includes, *inter alia*, a floor element, supporting beams connected to the floor element and adapted for connection to the aircraft skin to form at least a part of a floor of the aircraft cargo-compartment, and sections of conducting devices located in the floor module, in which at least one conducting device is selected from the group consisting of a hydraulic conduit, a water conduit and an air-conditioner duct; Claims 27 and 33 recite similar subject matter. Applicant submits that neither Ehrick nor Fenner teaches or suggests all of these features.

The Office Action opines that "the floor of modules 24–27 may be considered as a cargo compartment floor," and that Ehrick's vertical panels 42, 43 are "supporting beams" (Page 5). Applicant disagrees. Ehrick clearly discloses that his assembly 30 consists of sleeping modules 24–27 that are "secured to the cargo floor 16 by tie-down straps 29 or other suitable locking means" (Col. 3:57–59; emphasis added). In other words, Ehrick's assembly 30 is secured to the aircraft's pre-existing cargo floor 16.

Furthermore, Ehrick's vertical panels 42, 43 do not connect to the skin of his aircraft, nor do Ehrick's vertical panels 42, 43 form a part of Ehrick's cargo floor 16. Instead, Ehrick's vertical panels 42, 43 merely form a wall or partition between adjacent sleeping modules, such as, for example, sleeping modules 26 and 27 (depicted in FIG. 3). Moreover, Ehrick fails to disclose the claimed hydraulic conduit and water conduit.

Consequently, Ehrick fails to disclose all of the features recited by Claims 21, 27 and 33.

While the Office Action opines that Fenner's "supporting beams (43a-d) ... form at least a part of a floor of a cargo-compartment" (Page 7), Applicant disagrees. Fenner clearly discloses that "when suitably positioned in a lower lobe compartment, the longitudinal units 19 and the doorway transfer unit 17 are attached to cargo tie-down receptacles 107 mounted in the deck 14 of the lower lobe compartment" (Col. 7:26–29; emphasis added). In other words,

Fenner's longitudinal units 19 and doorway transfer unit 17 are secured to the aircraft's pre-existing deck 14.

Furthermore, while the Office Action opines that Fenner's "supporting beams (43a-d) [are] connected to the floor element and [are] adapted for connection to a skin of an aircraft (the beams are adapted for connection as shown in fig. 11, beams 79 being connected to beams 43)" (Page 7), Applicant disagrees. To the contrary, Fenner's inverted U-shaped frame members 43a-d have flanges that are attached to wide support pads 101 which "lie atop the deck 14 of the lower lobe compartment of an aircraft 13 when the units of a modular cargo loading system formed in accordance with the invention are positioned in the lower lobe compartment in the manner illustrated in FIGS. 1-3 and previously described" (Col. 7:20-25). Moreover, neither Fenner's U-shaped frame members 43a-d, nor his U-shaped channels 79, are connected to the skin of the aircraft. *See, e.g., FIGS. 1, 2, 3, 7, etc.*

Additionally, while the Office Action notes that Fenner discloses a short cable 58 (Page 7), Fenner clearly fails to disclose the claimed hydraulic conduit, water conduit and air-conditioner duct.

Consequently, Fenner fails to disclose all of the features recited by Claims 21, 27 and 33.

Conclusion

Accordingly, Applicant submits that Claims 1, 19, 21, 27 and 33 are allowable over the cited references. Furthermore, Claims 3 and 5-17, depending from Claim 1, Claims 20 and 37, depending from Claim 19, Claims 24 and 38, depending from Claim 21, Claims 28, 29 and 32, depending from Claim 27, and Claims 36 and 39, depending from Claim 33, are also allowable, at least for the reasons discussed above. Applicant also submits that the cited references fail to teach or suggest many of the features recited by the dependent claims, and, consequently, that these claims are independently allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that A Notice of Allowance is respectfully solicited.

If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

The Commissioner is hereby authorized to charge any fees and to credit any overpayments that may be required by this paper under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 50-2036.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Adam M. Treiber', written over a horizontal line.

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